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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
 ORACLE AMERICA, INC.; a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**ORACLE'S MOTION TO SEAL
 ORACLE'S RESPONSES AND
 OBJECTIONS TO RIMINI'S
 NOTICE OF DEMONSTRATIVES**

NOTICE OF MOTION AND MOTION

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), Local Rules 10-5(b), Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal portions of Oracle’s Responses and Objections to Rimini’s Notice of Demonstratives.

A public, redacted version of this document was filed on September 4, 2020. ECF No. 1426. An unredacted version of this document will be subsequently filed under seal with the Court and linked to this motion.

Oracle’s Motion to Seal is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, documents incorporated by reference, and the entire record in this action.

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL STANDARD

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). “[G]ood cause” suffices to warrant preserving the secrecy of sealed discovery material attached to nondispositive motions.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

II. ARGUMENT

Oracle requests that this Court seal portions of Oracle’s Responses and Objections to Rimini’s Notice of Demonstratives because they reference documents or testimony that Rimini has designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order, or reflect information drawn from data sources that Rimini has designated as “Highly Confidential – Attorneys’ Eyes Only.” Oracle submits these documents under seal pursuant to the Protective Order based on Rimini’s representation that it reasonably believes there

1 is a valid basis under the Protective Order for its confidentiality designations. Because these
2 materials were designated by Rimini, Oracle is not in a position to provide further justification for
3 why filing the documents publicly would cause Rimini harm sufficient to justify sealing.

4 Oracle has submitted all other portions of its Responses and Objections to Rimini's Notice
5 of Demonstratives to the Court's public files, which allows public access to all materials except
6 for the portions discussed above. Accordingly, Oracle's request to seal is narrowly tailored.

7 **III. CONCLUSION**

8 For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file
9 under seal the materials discussed above.

10 MORGAN, LEWIS & BOCKIUS LLP

11 DATED: September 4, 2020

12 By: /s/ John A. Polito

13 John A. Polito

14 Attorneys for Plaintiffs Oracle USA, Inc., Oracle
15 America, Inc. and Oracle International
16 Corporation

[PROPOSED] ORDER

Pending before this Court is Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation's (collectively "Oracle") Motion to Seal Oracle's Responses and Objections to Rimini's Notice of Demonstratives. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of "a trade secret or other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c). Having considered Oracle's Motion to Seal and for good cause existing:

IT IS HEREBY ORDERED THAT Oracle's Motion to Seal is GRANTED. The Clerk of the Court shall file under seal portions of Oracle's Responses and Objections to Rimini's Notice of Demonstratives.

IT IS SO ORDERED.

DATED:

By: _____
Hon. Cam Ferenbach
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2020, I electronically transmitted the foregoing ORACLE'S MOTION TO SEAL ORACLE'S RESPONSES AND OBJECTIONS TO RIMINI'S NOTICE OF DEMONSTRATIVES and [PROPOSED] ORDER to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

MORGAN, LEWIS & BOCKIUS LLP

DATED: September 4, 2020

By: /s/ John A. Polito
John A. Polito

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America, Inc. and Oracle International
Corporation